



PLANNING COMMISSION MEETING STAFF REPORT FEBRUARY 23, 2006

Project:	IRVINGTON VILLAGE II - (PLN2006-00118)
Proposal:	To consider a Finding for Site Plan and Architectural Approval for 100 townhome style condominiums and 68 condominium podium style condominium units (168 units total); a request to approve a reduction to the width of the Private Vehicle Access Way widths (PVAW); allow variations in the curb radii; waive the requirement for 3.5 foot walkway on both sides of the PVAWs; a reduction for the on-site guest parking; a request to reallocate the density for the project and consider Vesting Tentative Tract map, Private Street application, and Preliminary Grading Plan.
Recommendation:	Recommend approval of the Site Plan and Architectural Review application to City Council and conditionally approve the Vesting Tentative Tract map, Private Street application, and a Preliminary Grading Plan, subject to the City Council's approval the Site Plan and Architectural Review application.
Location:	40990 and 40900 Grimmer Avenue in the Irvington planning area. APNs 525-1054-006-00, 525-1054-003-00, 525-1054-007-00 (See aerial photo next page)
Area:	7.83-acre site.
People:	Regis Homes, Applicant Jeff Smith, Agent of Applicant Dahlin Group, Architect for the Podium Building KTTY Group, Architect for the townhomes The Guzzardo Partnership, Landscape Architect HMH Engineering Robert Gray and Associates, Joint Trench Consultant Samuel N. Harrosh Owner Scott Plambaeck, Staff Planner (510) 494-4437; splambaeck@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration and Mitigation Monitoring Plan were previously prepared and adopted for the General Plan Amendment and Rezoning of the site, which includes the anticipated development of this site.
General Plan:	Existing: Residential Medium Density (18-23 dwelling units per acre); Community Commercial
Zoning:	Existing: P-2004-92(I) Planned District (Irvington Overlay)

Executive Summary:

The Planning Commission is being asked to recommend approval of the Site Plan and Architectural Review application, recommend approval of a finding to reduce the guest parking and reduce the width of the Private Vehicle Access Way from 24' to 22', allow the proposed curb radii to vary from 10 to 20 feet, waive the requirement for 3.5 foot walkway on both sides of the PVAWs, recommend approval to reallocate the density for the units onsite and conditional approve the Vesting Tentative Map, the Preliminary Grading Plan and the Private Street applications for the project. This site was the subject of a General Plan redesignation to include residential development at 18-23 dwelling units per acre (du/ac) and was rezoned to Planned District Irvington Overlay (P-2004-92(I)) to include housing as a possible use as part of the Housing Element implementation effort. The Planning Commission recommended approval of this action to the City Council on November 20, 2003 and the City Council approved the redesignation and rezoning on December 9, 2003. Staff believes that the proposed project meets the City's goals and objectives in creating a well-designed, infill neighborhood. Staff recommends approval of the project, based on the findings and conditions.

Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES: North: Residential units (under construction)
South: Existing single-family homes
East: Retail/services/and offices
West: Cemetery

BACKGROUND AND PREVIOUS ACTIONS:

This site was the subject of a General Plan redesignation to include Residential Medium density development at 18-23 dwelling units per acre (du/ac) and was rezoned to Planned District Irvington Overlay (P-2004-92(I)) to include housing as a possible use as part of the Housing Element implementation effort. The Planning Commission recommended approval of this action and the City Council approved the redesignation and rezoning on December 9, 2003.

PROJECT DESCRIPTION:

The applicant is requesting approval of a 168 unit residential development consisting of 100 townhome style units and 68 unit podium style condominium building with 0.4-acre of private open space and private pool/recreation area. The application consists of a Site Plan and Architectural Review application, with a request to modify from the following parking and R-3 zoning standards: a reduction the on-site guest parking by 13 spaces, a reduction in the variation for the width of the Private Vehicle Access Way from 24' to 22' allow the proposed curb radii to vary from 10 to 20 feet, a waiver to the requirement for 3.5 foot walkway on both sides of the PVAWs and recommend approval to reallocate the density for the units onsite. The proposed modifications will need to be approved by the City Council as part of the Site Plan and Architectural Review process. In addition, conditionally approve the Vesting Tentative Map, the Preliminary Grading Plan and the Private Street applications, subject to City Council approval of the Site Plan and Architectural application.

1. **Density Arrangement** - The General Plan density for the project is 18-23 dwelling units per acre. Overall, the project meets the density requirement for the General Plan at 21.45 du/ac. However, the applicant is requesting a density arrangement for the project that would allow the podium building with 68 units on 1.64 acre lot to have a density of 41.4 du/ac. The remainder 6.19 acres would contain 100 dwelling units at density range of 16.2 du/ac. The City Council will need to approve the proposed re-allocation of the density as listed in FMC 8-2752.
2. **Units** - The project proposes a total of 168 units. 100 of the units are townhouse style condominium units. These units will consist of 64 three-bedroom models and 36 four-bedroom models ranging from 1432 sq. ft. to 1770 sq. ft. The podium building will contain 68 units with 33 three-bedroom units and 35 two-bedroom units ranging in size from 1240 sq. ft. to 1585 sq. ft.
3. **Off-Street Parking** - A total of 71 guest parking spaces are provided for the project, 13 short of the required 84 guest parking spaces for the project. A finding is required to reduce the on-site guest parking for the project. The proposed townhome style units will each have two car garages. The podium building will provide 76 single stall spaces and 29 tandem stalls (which total 58 total spaces).
4. **Landscaping** - The project proposes generous and new landscaping along Irvington, Grimmer, and the private streets within the project. Trees and benches are provided in the pedestrian paseos for the townhome style units while courtyard area is proposed within the podium building.
5. **Circulation** - Project will be served by a private street system with access from Irvington and a private street system that links to Phase I. The project will be well-served by a pedestrian pathway system that links the buildings and the private open space area.

6. **Open Space** - The project proposes a 0.40 acre private open space and swimming pool for use of residents of both Phases I and II. The podium building provides private courtyard for the residents of the podium building. In addition, all the units offer either a private balcony or ground floor patio area.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is a combination of Community Commercial and Residential Medium Density 18-23 dwelling units per acre. The applicant is proposing a density of 16.2 dwelling units per acre for the 100 townhome style units on 6.19 acres and density of 41.4 du/ac for the 68 unit podium building. The two product types combine will have a density of 21.45 units per acre, thus achieving the required midpoint of 20.5 units. City Council approval is required for the proposed density arrangement. Please refer to the Density Reallocation section of this report for more details on the proposed density reallocation.) The following General Plan Goals, Objectives, and Policies are applicable to the proposed project:

LAND USE GOAL 1.9: “To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to collector or arterial street, and a transition use where maximum flexibility in site design is required.”

Analysis: The site meets land use goal 1.9 because it within 0.6 miles from five-corners, a major commercial hub in the City, is within walking distance of transit, is located adjacent to two arterial street (Grimmer and Irvington) and the project will meet mid-point density requirements of the General Plan.

LAND USE GOAL 1.11: “Appropriate transitions shall be encouraged between higher density residential areas and lower density areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building designs and/or techniques.”

Analysis: The project proposes a lower density of units along the Irvington Avenue and Grimmer Boulevard frontage. The higher density podium building will be located in the interior of the project. The project proposes units along Irvington that contain elements of single-family units, such as porches driveways, front doors and landscaping so the project provides the appropriate transition with the existing neighborhood. Therefore, based on the design of the project as described above, the project meets Land Use Goal 1.11.

LAND USE GOAL 1.12: “To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic.”

Analysis: The project provides two major recreational areas, a 0.4-acre private open space area and a pool for use by residents of Phase I and Phase II. Both areas are well served by the interior pedestrian paseos and sidewalks, which will limit the need for pedestrians to use the streets to access the recreation area, thus limiting the conflict between the vehicular traffic and pedestrians accessing the recreational facilities.

LAND USE GOAL 1.22: “Multifamily housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.”

Analysis: The project is designed, especially along its periphery, to blend with the single-family units along Irvington by locating front doors, driveways, patios and entryways to face Irvington and avoiding the use of flat roofs in the design of these units.

LAND USE GOAL 1.23: “A variety of unit types and sizes shall be encourage within each multi-family project.”

Analysis: The project proposes a total of 168 units. 100 of the units are townhouse style units, of which 64 are three bedroom models, and 36 are four bedroom models that range in size from 1432 sq. ft. to 1770 sq. ft. The podium building will contain 68 units with 33 three-bedroom units and 35 two-bedroom units ranging in size from 1240 sq. ft. to 1585 sq. ft. Thus, the project meets Land Use goal 1.23.

Density Reallocation: The existing site was the subject of a General Plan redesignation to include a residential density designation of 18-23 dwellings per acre. The applicant is proposing to reallocate the density so that 6.19 acres would be developed for 100 townhouse style units at a density of 16.2 dwellings per acre. The 68-unit podium building will be on a 1.6 acre site with a density of 41.4 dwellings per acre. The two product types combined will have a density of 21.45 units per acre, thus achieving the required midpoint of 20.5 du/ac. Because the resulting densities are above and below the designated density range, the City Council will need to approve the density reallocation per FMC 8-2752.

Zoning Regulations:

The existing zoning of the proposed project is P-2004-92(I), Planned District (Irvington Overlay). The R-3 zoning district is considered in evaluating the proposed project for general conformity with City standards. The following discussion describes how the project conforms, or varies from, the R-3 district standards.

R-3-23 Zoning Lot & Siting Standards for Project Site	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet except for townhouses
Minimum Lot Width	60 feet except for townhouses
Street Frontage	35 feet except for townhouses
Front and Street Side Setback	20 feet except for townhouses
Interior Side and Rear Setbacks	10 feet except for townhouses
Lot Coverage	50 percent
Minimum Common Open Space Area	500 SF for up to 5 units, plus 50 SF for each additional unit; one dimension at least 15 feet

Minimum Private Open Space Area	Balconies: Min. 60 SF, least interior dimension of 6 feet. Patios: Min. 100SF, least interior dimension of 10 feet.
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Building Height: The proposed townhome style units range in height from 23 feet, 2 inches to 34 feet 10 inches (measured to midpoint of roof) at the front entrance of the units. The proposed podium building is 41 feet 6 inches tall (measured to midpoint of roof) as measured from the west elevation. The proposed height of the building are within the allowable building height of the R-3 zoning district of 52 feet.

Building Setback/Coverage: The R-3 zoning district states that “Minimum lot size, width, frontage requirements are not applicable to townhouse style developments, which have special lot and subdivision needs that will be reviewed on a case-by-case basis through site plan and architectural approval and the tentative map process.” The project proposes 100 townhome style units and 68 units in one podium building. The townhomes will be constructed in groups 5 or 6 attached units. The townhome units will be plotted on several lots throughout the project, divided by PVAWs. Each townhome unit will then be subdivided as condominiums. The townhome style units will be on 10 lots, and the podium building will be on one lot.

The setbacks from the Grimmer Blvd. for the units will be 22 to 23 feet. The units along Irvington vary from 12 to 18 feet. Some of the units along Irvington Avenue provide steps from the sidewalk directly to the front door of the units. The R-3 zoning district encourages setback of less than 20 feet from the front or street side setback if the reduction of setback fosters a desirable pedestrian-oriented environment or neighborhood setting for the area. Staff finds the proposed units along the Irvington Avenue provide front doors, patios, walkways, and other architectural elements foster a pedestrian-oriented environment for the neighborhood and therefore support the proposed slightly reduced setbacks along Irvington Avenue.

The overall lot coverage for the project is 41%. The proposed townhomes have total lot coverage of 37%, while the lot coverage for the podium building is 56%. The R-3 zoning district allows lot coverage of over 50% if the project fosters a desirable pedestrian-oriented environment or neighborhood setting for the area. As described above, staff finds the project fosters a pedestrian-oriented environment and supports the increase in lot coverage for the podium building.

Parking:

Fremont Municipal Code 8-22003C requires two bedroom units and larger to have one covered space per unit for residents plus 0.5 uncovered spaces per unit for residents plus 0.5 uncovered space per unit designated for guest parking only. The following is a breakdown of the proposed parking for the project:

Residential Parking

The proposed project will provide two covered side-by-side parking for the townhome units, which exceeds the required residential parking for the townhome units. The podium building will provide 136 total spaces (see table for podium parking on next page). The proposed parking allocation will result in 29 two-bedroom units being assigned tandem spaces. This amounts to approximately 17% of the overall units in the overall project (168 units) being assigned tandem parking.

Parking for Podium Building					
Unit	# of Bedrooms	# of Units	Standard stall	Tandem stall	Total Spaces
Unit 1	3 bedrooms	21	42		42
Unit 2	3 bedrooms	12	24		24
Unit 51	2bedroom w/ loft	4	8		8
Unit 5	2 bedrooms	2	2		2
Unit 3	2 bedrooms	15		15	30
Unit 4	2 bedrooms	12		12	24
Unit 5	2 bedrooms	2		2	4
Accessible Spaces					2
		68	76	29	136

102 spaces required

Guest Parking

The applicant is proposing 71 guest parking spaces, while the minimum requirement is 84 parking spaces. Staff estimates that approximately 18 on-street spaces could be accommodated in front of lots 31 through 100 along Irvington Avenue. FMC Section 8-22003(2iv) allows the Planning Commission or the City Council to lower the guest parking requirement when there is availability of on-street guest parking. Staff finds there is the availability of on-street guest parking to allow for the reduction of the on-site guest parking.

Inclusionary Housing:

The applicant is required to meet the City's inclusionary zoning requirements through the provision of 15 percent of the units as Below Market Rate (BMR) units. The project will need to provide 25 BMR units. The applicant has committed to providing 25 BMR units and is working with the City's housing staff to identify the BMR units within the project.

Design Analysis:

Site Planning:

The proposed project is an expansion of Phase I of Irvington Village with connections from Phase I through an extension of Kingsly Terrace and new streets Gramercy Terrace and Prospect Terrace. Phase I and Phase II will also share Westerly Common as ingress/egress to Grimmer Boulevard.

The project proposes a system of pedestrian paseos that link the project to buildings and common open space and pool recreation areas. The project blends with the existing neighborhood by proposing townhome style units along Grimmer and Irvington, with the 3-story podium building in the interior of the project. The townhomes help the project blend with the single-family neighborhood across the street by offering elements of single-family design such as doors that face the street, driveways, patios, entryways, and landscaping along the Irvington frontage. Staff supports the design of the project and finds that the site design is compatible with the surrounding development.

Architecture:

The architecture borrows elements from a number of building styles in the project vicinity without directly copying any of them. It has contemporary lines without being sleek or sterile. The buildings make use of traditional elements, details, and materials including pitched roofs, front porches, horizontal siding, and entry stoop. The buildings are architecturally details that break up the massing of the buildings. The podium building utilizes board, batten, and hardi-board horizontal siding in both vertical and horizontal form and stucco. This complements the board and batten and hardi-board horizontal siding utilized in the townhome units, also used in both vertical and horizontal forms. These complementary architectural styles and use of material, allow the condominium and townhome developments to be both complementary to each other and distinct from each other. Phase II of the project offers similar style and materials as Phase I. Phase II is designed to be complimentary to Phase I. Further explanation of the architecture can be found in the applicant's justification statement (please see informational enclosures).

Open Space/Landscaping:

The project proposes a .40-acre private open space area, a generous courtyard within the podium building, landscaped paseos, and a pool area. Each unit is provided the appropriate private open space. The podium units will provide a balcony minimum of 6 feet by 10 feet, while the townhome units will have a mix of 2nd floor balconies that meet the minimum requirement of 6 feet by 10 feet or will provide ground floor patios of a minimum of 10 feet by 10 feet.

The project contains a total of 52 trees representing 11 species that were evaluated in the Tree Inventory Report Survey prepared by Hortscience September 2005. All of the trees on site were planted as part of the prior development. Trees were not evenly distributed across the site but were concentrated on the periphery, particularly along Irvington Ave. None of the surveyed trees was indigenous to the site. The project applicant proposes to remove all trees except for Tree #62, a 27" Canary Island Pine in excellent health, the only tree on this site that was rated as having good suitability for preservation.

Mitigation for the removal of these trees shall be the installation of new street trees of 24" box size along Irvington Blvd. and Grimmer Blvd. at approximately 35' o.c. Street trees for Irvington Blvd. shall be Chinese Pistache and along Grimmer, London Plane Tree. The applicant is also required to install 24" box size Celtis sinensis along Westerly Common to match the tree planting proposed for Irvington Village Phase 1. Additional tree plantings are proposed throughout the site to create tree-lined pedestrian pathways and well shaded common areas. The common area landscape in the Village Pool area features a specimen oak tree of 48" box size to be installed in the plaza entry off the parking area.

View Impacts:

The site currently has 30-35 tall commercial building and a one story restaurant building on the Irvington Avenue frontage. Many of the single-family homes along Irvington views either face the side of the commercial building or the restaurant. The buildings along Irvington will be replaced by townhomes that are either two or three stories, with single-family elements such driveways, doors, patios, and landscaping. The proposed podium building will be in the interior of the project approximately 230 feet from the closest single-family neighborhood. The wide variety of building designs in the townhome as noted above in the Architecture and Site Planning section, provide both vertical and horizontal articulation, with different materials, design, and colors also used to break up the façade of the structures.

Tract Map:

The applicant has proposed a tentative map to create 25 lots. Lots 1 through 11 are condominium lots that will contain a total of 168 dwelling units. The lettered lots, A through N, are common ownership lots for vehicle access ways, the small park, recreation and pool area, landscaped areas, and pedestrian paths. The final map or final maps for the project shall indicate that the subdivision is for condominium purposes.

The subdivider has reserved the right to record multiple final maps based upon this tentative map. The tentative map includes a proposed phasing plan. The number and configuration of the phases is shown, however the actual number and configurations of phases is subject to change, upon approval of the Planning Director and City Engineer. Due to the potential phasing of final maps, specific conditions of approval are included regarding street and utility improvements required with each phase. In general, the creation of a lot for development of a residential use is contingent upon the construction of infrastructure to service that lot. The tract map will be conditionally approved by the Planning Commission based on City Council approval of the Site Plan and Architectural application.

Circulation:

Pedestrian and vehicle access to the project site is from the existing public streets, Grimmer Boulevard and Irvington Avenue, and from the adjacent Phase 1 project. On site vehicle circulation is provided by a private vehicle access way (PVAW), which is a type of private street used in condominium and townhouse developments. The development policy for PVAWs adopted by City Council, establishes guidelines for projects that use PVAWs. Due to the design of the project and size/shape of the project site, the following PVAW principals and standards are not being met with this project:

PVAW Policy #6: All PVAWs are to be a minimum of twenty-four feet wide (clear width) in those portions where no parking is allowed directly off the access way. An additional four foot width is required on the side of access way wherein right angle enclosed parking is provided. An additional two foot width is required on the side of the access way wherein right angle carport or uncovered parking is provided.

Analysis: Some of the PVAWs are proposed with twenty-two foot clear widths and thirty-foot widths between garage doors, whereas the policy requires twenty-four feet and thirty-two feet respectively. Similar to the Phase 1 project, the applicant is requesting a reduction in the PVAW standard. The proposed reduction is consistent with the Phase 1 project and similar townhouse projects recently approved in the Warm Springs District. Staff has reviewed the applicant's proposal and supports the project.

PVAW Policy #8: Minimum edge of pavement radius is to be twenty feet, except for "turn around" facilities.

Analysis: The site plan has been designed with various curb radii at changes in direction on the PVAW. Depending on the type of PVAW intersection, radii vary from 10 feet to 20 feet. The project civil engineer has provided turning templates for a garbage truck and the plan has been analyzed for emergency vehicle access. Staff has reviewed and supports the applicant's proposal.

PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: The overall project concept restricts the amount of available area for pedestrian facilities. The townhouses are designed to have garage entrances on the PVAW side of the building and pedestrian entrances on the opposite side of the building, in the landscaped paseo areas. Several recent townhouse and condominium projects have been approved with similar building designs. Staff supports the applicant's proposal.

Street Improvements:

Commercial frontage improvements currently exist for both Grimmer Boulevard and Irvington Avenue. Redevelopment of the project site from commercial uses to residential use includes converting the existing frontage improvements. The following outlines the street improvement and right-of-way dedication requirements for the project:

Grimmer Boulevard is an arterial with two vehicle lanes and one bicycle lane in each direction. The developer shall dedicate one-foot of right-of-way on the project Grimmer Boulevard frontage. The existing sidewalk and associated street improvements, including an existing driveway for both Tri-City Sporting Goods and the restaurant, shall be removed and replaced with new sidewalk, street trees, and a landscape strip. Street improvements shall include, but are not limited to, installation of sidewalk, landscaping, street trees, irrigation, and modification or relocation of any existing utilities that conflict with the project design. A six-foot wide public service easement shall be dedicated along the Grimmer Boulevard frontage of the project.

Irvington Avenue is a secondary arterial with a two-way left turn lane in the middle of the roadway and with one vehicle lane and one bicycle lane in each direction. As part of the project proposal, the developer wanted to upgrade Irvington Avenue along the project frontage, incorporate on-street parking, and introduce landscaped bulbs at the vehicle entrances to the project (Kingsley Common and Thurston Common). To accomplish this the developer shall remove the existing frontage improvements, including the existing curb and gutter, and narrow the pavement width by one foot. Street improvements shall include, but are not limited to, installation of sidewalk, landscaping, street trees, irrigation, and modification or relocation of any existing utilities that conflict with the project design. A six-foot wide public service easement shall be dedicated along the Irvington Avenue frontage of the project.

Traffic Signal Improvements: The intersection of Grimmer Boulevard and Irvington Avenue is currently not signalized. Traffic control is provided with stop signs on Irvington. The intersection is on the City's Traffic Signal Priority List and with this project the cumulative impacts puts the signal at level of service (LOS) F. Installing a traffic signal would raise the intersection to LOS A. The developer shall install a traffic signal, obtain necessary easements for construction and maintenance of signal loops at the private driveway on the northwest side of the intersection, and develop a traffic signal coordination plan along Grimmer Boulevard. The construction plans for the signal will be included as part of the subdivision improvement plans.

On-Site Private Vehicle Access Ways: The on-site driveways shall be dedicated private vehicle access ways (PVAWs). The developer is responsible for complete street improvements within the PVAWs, including but not limited to, pavement, curb, gutter, sidewalk, streetlights, and utilities. Parking shall be prohibited within the PVAWs, except for areas specifically designated for guest or resident parking.

Grading & Drainage:

The project site is currently developed as Tri-City Sporting Goods, a restaurant, and associated parking lots. The existing buildings, parking lot, and related utilities will be demolished to accommodate the residential subdivision. The subdivision has been designed to keep the building pads close to the existing grades on-site and to conform to the surrounding streets, cemetery, and the Irvington Village 1 project.

The project civil engineer estimates project grading to include 5,000 cubic yards of fill and 22,000 cubic yards of cut, for a total estimated grading quantity of 27,000 cubic yards. A permit for grading in excess of 1,000 cubic yards requires Planning Commission review. A preliminary grading plan is included in the plan set. Findings and conditions of approval for the preliminary grading plan are included in Exhibit B.

The project storm drain system is a combination of conventional design and storm water treatment measures. Proposed storm water treatment measures include the use of vegetated swales, permeable pavers, small bioretention basins, and in-ground water treatment structures. Additionally, the rainwater downspouts from the buildings will be disconnected to discharge into landscape areas around the building. Storm water treatment is required in order for the project to comply with the Alameda Countywide Clean Water Program permit requirements.

Along the interface with the Phase 1 project (Westerly Common), the project is proposing to remove a previously permitted vegetated swale in order to provide parking in front of the Recreation/Pool parcel and in front of the park. Removal of this vegetated swale effects the storm water treatment for the project. Replacement storm water treatment is required for the removed swale. The project storm water treatment design shall include measures to treat runoff from Westerly Common, in its entirety.

Geologic Hazards:

The project site is within an area of potential liquefaction on the official Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on October 19, 2004. In accordance with the Seismic Hazard Mapping Act, the project geotechnical engineer prepared a seismic hazard report. The report was reviewed and approved by the City and filed with the State Geologist. The subdivision improvements and building construction will conform to the recommendations of the seismic hazard report.

Environmental Review:

An Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Plan were prepared for the General Plan Amendment and Rezoning and adopted by the City Council in December of 2003. There are no new impacts that were not analyzed in this environmental document. A finding is proposed that this project does not represent any new impacts not addressed in the Initial Study and Mitigated Negative Declaration adopted in December of 2003.

The mitigation measures identified in the Initial Study and Mitigated Negative Declaration have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure. In brief, the mitigation measures relate to dust suppression measures during construction and other potential air quality impacts, requirements should human remains or archeological resources be found, compliance with required Phase I and Phase II environmental analyses, and required noise studies for compliance with City noise standards.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 249 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on February 10, 2006. A Public Hearing Notice was published by The Argus on February 9, 2006.

ENCLOSURES:

Exhibits:

- Exhibit "A" Project Site Plan, Architectural, and Conceptual Landscape Plan
- Exhibit "B" Preliminary Grading Plan
- Exhibit "C" Private Street and Vesting Tentative Map number 7759
- Exhibit "D" Mitigated Negative Declaration and Mitigation Monitoring Program
- Exhibit "E" Color and Material Sample Board

Proposed Project Condition Exhibits

- Exhibit 1 Findings and Conditions for recommendation of approval to City Council for Site Plan and Architectural Approval
- Exhibit 2 Findings and Conditions for Vesting Tentative Map
- Exhibit 3 Findings and conditions for Preliminary Grading Plan
- Exhibit 4 Findings and conditions for Private Street Application

Informational Items:

1. Initial Study
2. Letter from applicant

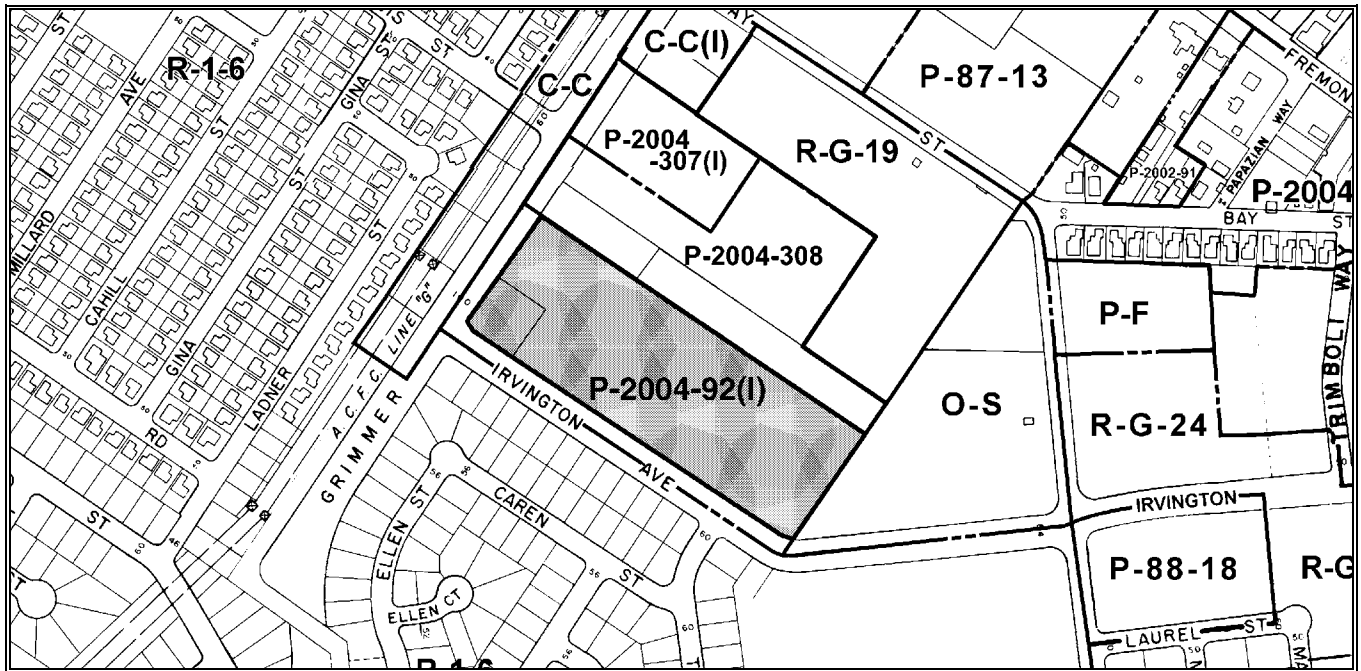
RECOMMENDATION:

1. Hold public hearing.
2. Find the previous initial study conducted for the General Plan Amendment and Rezoning has evaluated the potential impacts that could cause an adverse effect, either individually or

cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources.

3. Find that the previous Mitigated Negative Declaration adopted for the General Plan Amendment and Rezoning considered all impacts related to the proposed project, and that no new impacts will result from this development.
4. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Fundamental Goals, Housing, and Land Use Chapters as enumerated within the staff report.
5. Recommend that the City Council Find PLN2006-00118, as per Exhibit "A" (site plan, elevations, floor plans and landscape plan) either fulfills the applicable requirements set forth in the Fremont Municipal Code, or the project as proposed justifies the exceptions (reduction of the width of the Private Vehicle Access Way, setback along Irvington, reduction for on-site guest parking, radii variation, sidewalk waiver, and density re-allocation) as set forth in the staff report.
6. Conditionally approve Exhibit "B" (Preliminary Grading Plan).
7. Conditionally approve Exhibit "C" (Private Street and Vesting Tentative Map 7759) The approval of the project upon which the Vesting Tentative Map (VTM) is based is subject to Site Plan and Architectural Review (SPAR) by the City Council; and the City Council retains its sole and absolute discretion to make any modifications to the proposed site plan and architecture, which may require modification of the VTM. If Council action on the SPAR requires modification of the VTM, if the developer and staff are not able to resolve such modifications, developer agrees that staff may refer the matter back to the Planning Commission for subsequent consideration of a modified VTM, and that the developer obtains no vested rights in the original VTM in such a situation.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

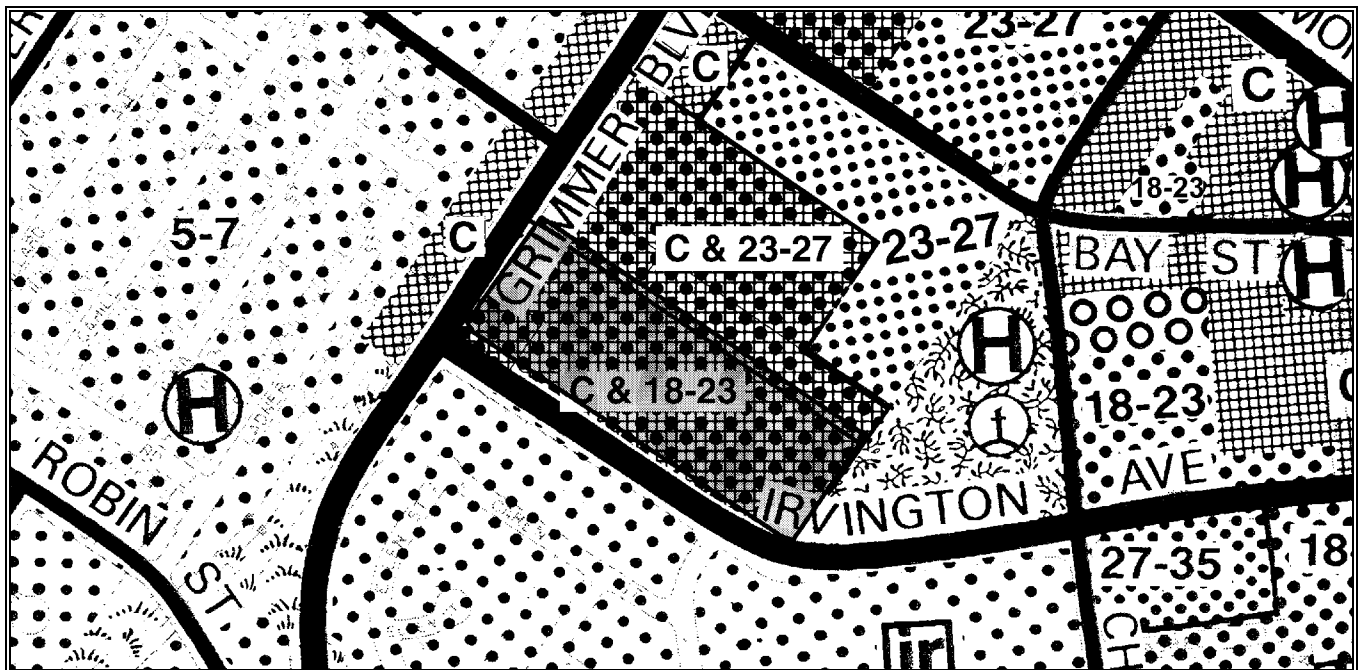


EXHIBIT "1"

PLN2006-00118

(Finding, Site Plan and Architectural Approval) Irvington Village II

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated February 23, 2006, incorporated hereby.

General Findings

1. Recommend to the City Council that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Program for the project are still valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
2. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.
3. Recommend to the City Council the proposed project is in conformance with the standards and policies of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general front setback, standards of the district.
4. Recommend to the City Council the proposed density re-allocation of the site is in conformance with the General Plan as enumerated within the staff report.
5. Recommend to the City Council that, through the implementation project's proposed architecture will be superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Irvington Planning Area.
6. Recommend to the City Council that the reduction of 13 guest parking spaces based on the findings enumerated within the staff report.
7. Recommend to the City Council the reduction of the Private Vehicle Access Ways (PVAWs) from 24 feet to 22 feet based on the findings enumerated within the staff report.
8. Recommend to the City Council to allow the proposed curb radii to vary from 10 to 20 feet based on the findings enumerated within the staff report.
9. Recommend to the City Council waive the requirement for 3.5 foot walkway on both sides of the PVAWs based on the findings enumerated within the staff report.

10. Find that the proposed access is designed so as to minimize impacts to adjacent thoroughfares in that the internal street system links to the surrounding street system and that appropriate points of access long Irvington Avenue are provided.

General Conditions:

- A-1 The approval of PLN2006-00118 shall conform to Exhibit “A” (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit “E” (material and color board) and all the conditions of approval set forth herein. This Planned District, P-2004-92(I), entitles the construction of 168 condominium units .
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Planning Director designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4. The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. The developer shall be entitled to a fee credit for the two commercial structures to be removed.
- A-5 The area between lot 61 and 71 shall be landscaped to match the area between lots 25 and 31, and lots 41 and 51.
- A-6 Recommend to the City Council that the reduction of 13 guest parking spaces meets the requirements FMC Section 8-220003(2iv) because guest parking is accommodated by available on-street parking on Irvington Avenue.
- A-7 Pursuant to Article 21.7 [Inclusionary Housing] of the Fremont Municipal Code, the Property Owner(s) shall enter into a BMR Master Developer Agreement with the City to provide at least 15% of total number of residential units made available at affordable housing costs within the for-sale development.

A total of 25 units within the 168-unit Irvington Village II project shall be available for participation in a below market rate (BMR) affordable housing program, subject to the review and approval of the Office of Housing and Redevelopment. The BMR Master Developer Agreement shall run with the land, made part of the project's conditions of approval and shall be recorded on the property titles of each parcel designated for the BMR sales program.

The BMR Master Developer Agreement shall include the following provisions:

- One BMR unit must be affordable to families earning no greater than 110% or below of the county median income as defined by the United States Department of Housing and Urban Development in effect at the time of sale;
- The unit shall only be available to eligible first time homebuyers as defined under the California Housing Finance Agency To the extent permitted by law, preference shall be given to those who currently live, work, or previously lived in the City of Fremont;
- To insure long-term affordability, and to assist the greatest number of families over the longest feasible time, BMR units shall be subject to resale restrictions under individual agreements developed by the City of Fremont, which shall be binding for a minimum of 30 years, renewable upon resale;
- The BMR sales price shall be computed as follows:
For a two bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of three times a multiplier of 3.5, and for a three bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of four times a multiplier of 3.5. For January 2005, the sales prices are:

2005 BMR sales price:

2 bedrooms (family of 3 at 110% of area median income): \$284,900

3 bedrooms (family of 4 at 110% of area median income): \$316,400

4 bedrooms (family of 5 at 110% of area median income): \$341,950

The City of Fremont Office of Housing and Redevelopment will conduct the Buyer Selection process and will provide eligible homebuyers to the Developer. The selection process will be described in the BMR Master Developer Agreement.

- A-8 To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving and/or landscaping shall be completed as soon as feasible to reduce the time bare surfaces and soils are exposed. Dust emissions during construction will be minimized through the application of water required by the project specifications.
- A-9 Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.
- A-10 The applicant shall comply with the recommendation in the Phase I by Niland Consultants dated May 4, 2005 and Phase II report prepared by Treadwell & Rollo, dated June 15, 2006.

A-11 Noise levels can be mitigated by measures described in the acoustical analysis prepared by Edward Pack and Associates dated on 09/05/05 and the peer review completed by Illingworth and Rodkin dated February 15, 2006. Mitigation measures are required due to the traffic noise generated from Grimmer and Irvington Avenue. Mitigation measures include mechanical ventilation, and sound transmission class (STC) wall rating of 45 as described in the in the noise analysis.

A-10 Construction otherwise w/in 500' of residences, lodging facilities, nursing homes or inpatient hospitals:

Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:

- a. Monday-Friday, 7 a.m. to 7 p.m.
- b. Saturday & Holiday, 9 a.m. to 6 p.m.
- c. Sunday, no construction activity allowed

Special Conditions (Must be satisfied on on-going basis and included in the Homeowner's Covenants, Conditions and Restrictions (CC&Rs))

A-11 A Homeowner's Association shall be formed and shall covenant and be responsible for the maintenance of all commonly owned facilities, including the private street (or private vehicular accessway), which are not maintained by the public utility agency. CC&Rs, including these imposed conditions, shall be submitted to the Development Organization (or during the tract map improvement plan review process) for review and approval.

A-12 The Homeowner's Association shall be required to contract with a professional management firm to handle maintenance operations and waste/recycling collection procedures. Documentation of such contract shall be submitted to the City. All commonly owned facilities shall be well-maintained in a good condition.

A-13 The exterior parking of boats, campers, and trailers on the site are prohibited. In no event shall household storage preclude the parking of vehicles in a garage area, and all parking spaces designated for guest parking shall be restricted for guest usage only. All new occupants and property owners at the time of purchase or lease shall receive a separate notice on bright color paper of this condition.

A-14 In the interest of aesthetics, uniformity in appearance, safety and security, all garage doors shall be maintained in a closed position, except during entering or exiting movements from the garage.

A-15 The Homeowner's Association shall be responsible for the maintenance of all common areas. Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides, and pesticides that can contribute to urban runoff pollution.

- A-16 No power equipment, hobby shops, car maintenance (other than emergency work) shall be permitted within the private garage areas where such activities would displace normal use of the garages for day to day parking purposes.
- A-17 The Homeowner's Association is to periodically provide educational materials on stormwater pollution prevention (as furnished by the City) to all occupants.
- A-18 The Homeowner's Association shall be responsible for litter control and sweeping of all paved surfaces of the private street and within the development. All private storm drain systems are to be cleaned immediately before the commencement of the rainy season (October 15).
- A-19 No exterior additions to the residential structures, including the addition of pre-manufactured sunrooms and patio covers, shall be permitted.
- A-20 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way and internal private streets.
- A-21 Garbage, trash or recycling containers shall be suitably concealed in an area dedicated within the garage of each unit, except such features may be placed at curbside on the designated garbage pick-up day.
- A-22 A provision shall be included in the CC&Rs stating that the payment of the utility (e.g., water, energy) bills for all common facilities, including its maintenance, are the obligations of the Homeowners Association.

Site Planning

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage. This requirement shall be made a condition of the tentative tract map approval and incorporated in the project CC&Rs subject to the approval of the City Engineer.
- B-2 The street lighting illumination level for the private vehicle access way shall meet public roadway standards. The proposed lighting of the main aisle shall be located to reduce the potential for glare or light spillage onto adjacent properties.
- B-3 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.

Building Design

- C-1. All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.

- C-2. Final building design, colors and materials shall be consistent with Exhibit "A" (Site, Architecture, Floor, and Landscape Plans) and Exhibit "E" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3. The vehicle entrance into the parking garage shall be equipped with an automatic garage door opener.
- C-4. All the townhome style units shall be equipped with automatic garage door openers.
- C-5. The garage door openings for the townhome style units shall have a minimum garage opening of 18'.
- C-6. Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval.
- C-7. The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- C-8. No exterior additions or modifications to the residences shall be permitted. This condition shall be incorporated into the CC&Rs for this project.

Landscaping

- D-1 The successful preservation of Tree #62, a 27" Canary Island Pine, a consulting arborist shall be retained by the City at the Applicant's expense to review construction drawings in conjunction with additional evaluation of the critical root zone of the tree. Based on the arboricultural assessment, monitoring requirements along with construction details and specifications for tree preservation shall be incorporated into the construction plans for review and approval by the City Landscape Architect.
- D-2 At the new entry drive at Westerly Common, the plans shall include the rebuilding of the corner on the Phase 1 side to match that proposed for Phase 2.
- D-3 The design and location of the retaining wall at the west property edge shall be reviewed during Development Organization review and is subject to the review and approval of the City Engineer for required clearance from vehicular traffic accessing the garage entry. A planting area as wide as possible shall be secured in front of the retaining wall to support landscape buffer planting. There shall be no planting of trees at the top of the retaining wall.
- D-4 Street trees along Irvington Ave shall be 24" box size Pistacia chinensis. Matching Pistache trees shall be planted in front of the units facing Irvington Ave. to create a double row of Pistache flanking the sidewalk. Street tree planting shall be per City Standard, and is subject to review and approval by the City's Urban Landscape Supervisor.

- D-5 Trees in 4'x6' tree grates shall be "small" trees. Otherwise tree planters shall have a minimum 5'x5' clear planting area.
- D-6 Planter pots installed on podium shall be provided with irrigation and be designed to drain to the storm drain.
- D-7 A multi-trunk 48" box size specimen oak shall be featured in the plaza entry area to the Village Pool.
- D-8 A minimum 10' wide landscape buffer shall be provided at the southwesterly property boundary. Trees that are being removed from this area shall be replaced with a species compatible with bioswale conditions.
- D-9 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
 - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-10 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail LSD-5 City Standard Street Tree Clearances. In order to install all the trees shown on the Landscape Plan, utilities may require relocation subject to staff approval during Site Improvement Plan Review.
- D-11 Landscape plans shall be submitted to Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, and (3) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
 - b) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - c) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate to the project.
- D-12 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter.

Traffic Conditions

- T-1 The intersection of Grimmer Boulevard/Irvington Avenue shall be signalized by the developer. The developer shall prepare the plans, specifications and estimate, and construct the traffic signal

at the intersection of Grimmer Boulevard and Irvington Avenue. The signal plans shall be submitted for review and approval during the development review process. An easement must be secured for the installation and maintenance of the signal loops at the private driveway on the north side of the intersection. Also, the developer should be required to develop a traffic signal coordination plan along Grimmer Boulevard.

- T-2 On Irvington Avenue, east side, the curb parking shall be prohibited a minimum of 120' in advance to the intersection of Irvington Avenue. A separate striping and signing plan shall be submitted for the intersection of Grimmer Boulevard and Irvington Avenue in coordination with any traffic signal improvement.

Engineering Conditions:

- E-1 Developer shall dedicate one-foot of street right-of-way and install complete street improvements to the centerline of Grimmer Boulevard across the project frontage. The project shall remove the existing commercial sidewalk and replace it with residential sidewalk with a planter strip. Improvements shall include, but are not limited to, installation of five-foot wide sidewalk, landscaping, street trees, irrigation, and modification of existing utilities as needed. The extent of repair or replacement of existing Grimmer Boulevard improvements shall be determined by the City Engineer during the review of the subdivision improvement plans.
- E-2 The developer shall install complete street improvements to the centerline of Irvington Avenue across the project frontage. The project shall remove the existing curb, gutter, and commercial sidewalk, and replace it with new curb, gutter, and residential sidewalk with a planter strip. Improvements include, but are not limited to, installation of five-foot wide sidewalk, landscaping, street trees, irrigation, and modification of existing utilities as needed. The extent of repair or replacement of existing Irvington Avenue improvements shall be determined by the City Engineer during the review of the subdivision improvement plans.
- E-3 The developer shall install a traffic signal at the intersection of Grimmer Boulevard and Irvington Avenue. The traffic signal plans and specifications shall be included with the subdivision improvement plans. As part of the signal plans and specifications, the developer shall also provide a signal coordination plan for Grimmer Boulevard. Plans and specifications are subject to review and approval of the City Engineer.
- E-4 The developer shall provide an easement for installation and maintenance of traffic signal detector loops in the private driveway on the north side of the intersection. Easements shall be granted to the City of Fremont. Easement deeds and legal descriptions shall be subject to City review and approval.
- E-5 On street parking shall be prohibited on the northeast side of Irvington Avenue for a minimum distance of 120 feet in advance of the intersection of Grimmer Boulevard.
- E-6 The developer and design team shall work with staff on the final ramp design into the podium parking garage. The final ramp design shall be subject to approval of staff during Development Organization review.

- E-7 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES permit requirements issued by the State's Water Quality Control Board.

In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.

- E-8 The "bulb-out" on Irvington Avenue shall be designed to provide storm water treatment, such as a bioretention planter, to treat some of the runoff from Irvington Avenue. The homeowners association shall maintain these "bulb-out" planters. Maintenance requirements shall be included within the required maintenance agreement.
- E-9 The developer and project civil engineer shall work with staff regarding the proposed storm water treatment measure next to the Recreation/Pool parcel (drainage area E). Instead of a vegetated swale, as currently shown, the use of an in-ground storm water filtration unit may be required.
- E-10 The project storm water treatment design shall include measures to treat runoff from Westerly Common, in its entirety.
- E-11 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-12 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- E-13 All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- E-14 Interior level parking garage floor drains receiving non-stormwater discharges shall be connected to a landscaped-based stormwater treatment system approved by the City of Fremont.
- E-15 Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- E-16 For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General

Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.

- E-17 Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- E-18 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-19 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-20 The home owners association shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets.
- E-21 The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.

Fire Department:

- F-1 The applicant shall meet all requirements in the 2001 California Fire Code and local Ordinance #2485.
- F-2 Provide fire flow information for site. Contact Jose Rodriguez with the Alameda County Water District at 510-668-4419 to obtain information.
- F-3 The applicant shall install a fire sprinkler system in all buildings. Attached homes require NFPA 13-R fire sprinkler system. Podium structures require a full NFPA 13 fire sprinkler system.
- F-4 Fire sprinkler systems in all residential occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater closets, closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required. Covered guest carports require fire sprinkler protection.
- F-5 The underground fire service requires cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and local Ordinance # 2485.
- F-6 Provide civil drawing showing locations of fire hydrants along North side of podium structure along Westerly Com. Additional fire hydrants may be required.

- F-7 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-8 Provide an Emergency Vehicle Access Easement to site from adjacent property.
- F-9 The applicant shall provide a 20 ft wide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3.
- F-10 The applicant shall provide the fire hydrant required fire flow on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-11 The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.
- F-12 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- F-13 Address must always be visible from Public Street. Provide site map at private driveway entrance.
- F-14 Address must always be visible from Public Street. Provide site map at private driveway entrance.
- F-15 The driveway access shall have a minimum 24 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) **The applicant shall indicate on all site plans the location of required red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.**
- F-16 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps and signs/address placards installed at the connection.

- F-17 Fire hydrant spacing requirement is 300 feet spacing. The distance is measured as the fire engine travels on all- weather surfaces. Public fire hydrants to meet the specifications of Clow Model 860 or equivalent.
- F-18 Separate permit is required for the underground fire service, fire sprinkler, standpipe and fire alarm system.
- F-19 The Fremont Fire Department (FFD) has the responsibility to respond to life threatening emergencies, fires and other types of emergencies at the location you are involved with. We would like to work with you in utilizing the drawings you've created to help protect the citizens of Fremont.

When submitting your application for a building permit we request that your plan set include a site plan, exit plan and floor plan for fire department use only. These plans should be in hard copy and digital format.

Attached you'll find several example drawings showing what we're trying to accomplish with your help. When assisting us, you do NOT need to have architects stamped seal on any modifications you submit to the FFD Complex Card Division. Please utilize the guidelines below. If you have any questions, don't hesitate to call me at 510-791-4292 or you can e-mail me at gfogel@ci.fremont.ca.us

The Site Plan should include:

- Fire Hydrants
- Fire Department Connections for wet and dry standpipes (FDC)
- Fire Sprinkler Connections (FDC)
- Automatic Sprinkler Riser (ASR)
- Post Indicator Valves (PIV)
- Fire Alarm Control Panels (FACP)
- Main Electrical and Gas Shut-offs

An Exit Plan should be included for each floor.

A Floor Plan should be included for each floor.

Digital drawings should be formatted in DWG or DXF. In order to reduce the size of the file and keeping our goal in mind, please remove unnecessary keynotes, symbols and layers. You may e-mail me this information (gfogel@ci.fremont.ca.us) or send by US mail to **City of Fremont Fire Department, 3300 Capital Ave Bldg "B", P.O. Box 5006, Fremont, CA 94537-5006, Attention Captain Fogel**. If field changes are made please send "as built" plans in a hard copy and either a CD or floppy disk. Please include a contact name and phone number if we need to contact you regarding your drawings.

HAZARDOUS MATERIALS UNIT:

- F-19 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District

(BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.

- F-20 The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and properly closed with the local agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
- F-21 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- F-22 The applicant must follow the recommendations of the submitted a Phase 1 and Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

Environmental Services:

- G-1 Municipal solid waste (MSW) collection service is required for all commercial, multi-family and residential properties, and is provided by Allied Waste on an exclusive franchise basis. Collection of recyclables at multi-family residential complexes is mandatory, and is provided by the City's franchised hauler (FMC IV, Ch 2, 4-2101, -2200, -2212). Contact Allied Waste at (510) 657-3500 to arrange for service.
- G-2 Prior to receiving a demolition or building permit, the applicant must submit a **Waste Handling Plan** for managing all expected construction and demolition debris to the Environmental Services Division. Environmental Services supplies this form (see sample attached), or a Plan may be submitted in any format that includes the following information:
 - a. Contractor's name, address, and telephone number
 - b. Project location and/or street address
 - c. Anticipated start and completion dates of the project
 - d. A list of debris materials the applicant expects to generate (e.g., glass, wood, metal, drywall, concrete, or bricks), the estimated total tonnage or volume of material, and whether it is to be salvaged, reused, recycled or disposed
 - e. Estimated total cost of waste disposal and recycling.
- G-3 Environmental Services will review the Plan and may recommend alternative disposal methods for the debris material.
- G-4 After completing the demolition or construction project, the contractor will submit a **Waste Disposal & Diversion Report** to Environmental Services on actual tonnages or volumes

disposed and recycled for the project, and the actual cost of disposal and recycling. Environmental Services supplies this reporting form (see sample attached).

- G-5 The applicant may contract with any company licensed to do business in Fremont for collection, storage and hauling of contractor-separated construction and demolition materials for salvage or recycling. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
- G-6 The contractor must insure that non-recyclable construction and demolition debris is removed from the site using means set out in the Fremont Municipal Code, including one or more of the following ways (FMC IV, Ch 2, 4-2300):
- a. Removal from the premises by the construction or demolition contractor as part of a total construction, remodeling or demolition service offered by that contractor;
 - b. Placement of small amounts of debris into the customer's existing trash container(s) with prior notice to the City's franchised waste hauler;
 - c. Contacting the City's franchised waste hauler to arrange for use of roll off drop boxes or debris box containers with sufficient capacity to store all demolition materials to be landfilled.
- G-7 Each dwelling unit shall include an area with a minimum of six (6) cubic feet designed for the internal storage of trash and recyclable material. A minimum of three (3) cubic feet (undivided) shall be provided for storage of trash and a minimum of three (3) cubic feet (undivided) shall be provided for storage of recyclable material.

EXHIBIT "2"
PLN2006-00118
(Vesting Tentative Tract Map 7759)
Irvington Village

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated February 23, 2006 incorporated herein.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, since the proposed development conforms to the density of residential development as represented on the General Plan.
3. The site is physically suitable for the type and proposed density of the development, because the development offers lots designed in a manner consistent with the requirements of the R-3-35 Zoning District.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location of the development. No adverse environmental impacts were identified for implementation of the proposed project.
5. The design of the subdivision and the types of improvements are not likely to cause serious public health problems, since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, since the easements are incorporated into the design of the subdivision. Acquisition of any new easements is required prior to final map approval.
7. All public improvements or facilities required as a part of this approval are directly attributable to, and are a logical consequence of, the proposed development, and are required for reasons related to public health, safety and welfare, because the project satisfies the requirements of the Fremont Municipal Code.

TENTATIVE MAP CONDITIONS:

1. The project shall conform with Exhibit “A” and all conditions of approval set forth herein.
2. The project shall conform Exhibit “C” (Vesting Tentative Map 7759 and Private Streets), all conditions of approval set forth herein, and all conditions of approval of Planned District PLN2006-00118.
3. Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
4. This Vesting Tentative Map may employ multiple phased Final Maps, which shall be prepared in accordance with state and local laws. Prior to the approval of a phased Final Map creating a lot for development of a residential structure, the subdivider shall improve or agree to improve, in accordance with the Subdivision Ordinance, all streets, thoroughfares, public ways, utilities, and easements, in the subdivision and adjacent thereto as required to serve said lot.
5. A minimum six-foot wide public service easement shall be dedicated along the Grimmer Boulevard and Irvington Avenue frontage of the project site.
6. The proposed street names are subject to review, modification, and approval by the City prior to final map approval.
7. Existing private easements within the subdivision boundary that are proposed for abandonment or relocation, shall be quitclaimed prior to approval of the final map.
8. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
9. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7759.
10. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
11. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or it’s agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
12. The City of Fremont shall notify the subdivider as soon as reasonably possible of any claim, action, or proceeding filled with or against the City to attack, set aside, void, or annul the City’s approval and the subdivider shall cooperate fully in the defense.

13. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement.
14. The project storm drain system shall conform to City standards and shall be subject to review and approval of both the City Engineer and the Alameda County Flood Control and Water Conservation District.
15. Developer acknowledges that the development project upon which vesting tentative map 7759 (VTM) is based is subject to Site Plan and Architectural Review (SPAR) by the City Council; and the City Council retains its sole and absolute discretion to make any modifications to the proposed site plan and architecture, which may require modification of the VTM. If Council action on the SPAR requires modification of the VTM, if the developer and staff are not able to resolve such modifications, developer agrees that staff may refer the matter back to the Planning Commission for subsequent consideration of a modified VTM, and that the developer obtains no vested rights in the original VTM in such a situation.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

Exhibit “3”
PLN2006-00118
(Preliminary Grading Plan)
Irvington Village II

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated February 23, 2006 incorporated herein.

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site, which might be aggravated by the grading of the site
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.
6. The proposed project will not have a significant effect on the environment because the implementation of the identified mitigation measures will lessen impacts to an insignificant level.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

1. The project shall conform with Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Planned District PLN2006-00118.
2. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7759. Approval of this Preliminary Grading Plan shall terminate upon the expiration of Vesting Tentative Tract Map 7759.
4. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
5. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. An erosion and sediment control plan shall be included as part of the grading plans.
6. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
7. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
8. Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
9. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
11. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.

Exhibit "4"

**PLN2006-00118
(Private Street Plan)
Irvington Village II**

PRIVATE STREET CONDITIONS OF APPROVAL:

1. The project shall conform with Exhibit "A" and all conditions of approval set forth herein.
2. The private streets shall conform with Exhibit "C", attached hereto and made a part hereof and all conditions of approval of Vesting Tentative Map 7759 (Exhibit "C").
3. This Private Street (PLN2006-00118) is being conditionally approved based on the accuracy of the information shown on Exhibit "C" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
4. A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
5. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
6. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
7. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.

- d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
- 8. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
- 9. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
- 10. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
 - a. Curb and gutter
 - b. Driveways
 - c. Street paving
 - d. Private Street monuments
 - e. Electroliers (wired underground)
 - f. Drainage facilities
 - g. Signs
 - h. Fire hydrants
- 11. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
- 12. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.

13. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be place on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
14. Approval of Private Street (PLN2006-00118) shall become effective upon final map approval.